

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

WAYNE DOTSON WALDO, §
TDCJ-CID #317282, §
Plaintiff, §
§
v. § C.A. NO. C-05-379
§
PATSY PEREZ, §
Defendant. §

MEMORANDUM OPINION AND ORDER OF DISMISSAL

The United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 9) recommending that plaintiff's claims be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e), 1915A. Plaintiff has sued defendant in both her individual and official capacity alleging that she denied him access to the courts. Objections were timely filed (D.E. 14).

In his objections plaintiff argues that he suffered prejudice as a result of plaintiff failing to provide him with a status update on his case because his "petition for expunction of records" was dismissed for want of prosecution. However, plaintiff has failed to allege that there was an official policy in effect that denied him access to the courts. Furthermore, plaintiff has not come forward with any evidence that defendant, in her individual capacity, was ever personally involved with his case. Having reviewed *de novo* the Magistrate Judge's Memorandum and Recommendation and the pleadings on

file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's claims are dismissed with prejudice pursuant to 28 U.S.C. 1915(e), 1915A. This is a dismissal as described by 28 U.S.C. § 1915(g). The Clerk is directed to provide copies of this order to the parties, to the TDCJ - Office of the General Counsel, Post Office Box 13084, Austin, Texas 78711, Fax Number (512) 936-2159, and to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Betty Parker.

ORDERED this 15 day of August , 2006.

Hayden Head
HAYDEN HEAD
CHIEF JUDGE